



650.00547
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

-) METHOD AND SYSTEM FOR
-) TREATING A POWER TRANS-
-) MISSION BELT/BELT SLEEVE
-)
-) Group Art Unit 1724
-)
-) Examiner R. Hopkins

AKIHIRO NAGATA et al

Serial No. 09/008,675

Filed January 16, 1998

APPELLANT'S REPLY BRIEF UNDER 37 C.F.R. §1.193

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a reply to the Examiner's Answer mailed on August 3, 2000 in the
above matter.

Issue No. 1

In the bridging paragraph beginning on page 8 of the Examiner's Answer,
the Examiner notes accurately that the pressure wrap in Perkins is described to be option-
ally made from nylon. The Examiner then concludes

37 CFR 1.8
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"[t]herefore, since nylon, a synthetic resin film, is wrapped around the surface of the belt and the belt with the nylon wrap is vulcanized, then both method claim 1 and apparatus claim 14 are deemed to be clearly anticipated by Perkins."

In concluding the first full paragraph on page 9 of the Examiner's Answer, the Examiner states "Examiner respectfully submits the fact that appellant's specification identifies nylon as a synthetic resin film inherently means that the film also is vapor impervious."

Clarification is appropriate at this time as to the general definition of a "film". Appellant is enclosing herewith a copy of the page from the *Random House Webster's College Dictionary* with the definition of "film" thereon. As can be seen from the definition of film, there is nothing inherent, regardless of the material, that equates "film" with "vapor-impervious". Appellant has throughout the specification and claims characterized the film as "vapor-impervious".

Perkins does not anywhere in his disclosure identify the nylon wrap material as a "vapor impervious" film. The Board can take notice of the fact that nylon material is often woven, as in hosiery, to increase its mechanical strength. In this woven state it is not vapor-impervious. For a pressure wrap as used in the Perkins environment, a woven material may logically be a more practical pressure applying structure than a "vapor-impervious film", which is neither taught nor suggested in Perkins.

In support of his position, the Examiner for the first time cites, for the first time provides copies of, and for first time relies on U.S. Patent No. 4,435,351 (Gilmore)

and Korean Reference No. 90-6987 (Korea '987 - Abstract only). Not only is it inappropriate to raise these references for the first time in the Examiner's Answer, it is also inappropriate to use them as the Examiner has in an attempt to interpret Perkins.

It is elementary that for a rejection under 35 U.S.C. §102 to be appropriate, the relied upon teachings must reside within the four corners of a single document, and in this case Perkins. Using the separate Gilmore and Korea '987 documents relating to pipe formation to interpret Perkins is not appropriate.

Even using the two new references cited by the Examiner, the Examiner's position is not supported. Aside from the fact that both newly cited references are directed to pipe or hose formation, they do not alone or collectively stand for what the Examiner states. The passage in Gilmore referenced by the Examiner briefly describes a vulcanization preparation in which hose components are built upon a mandrel, as described beginning in column 1, line 48 of Gilmore. It is then described that a "cover layer of elastomeric material is applied" after which a cure tape made of wetted nylon is applied. Gilmore does not describe the wetted nylon tape as being vapor impervious. It is possible that the cover layer underlying the wetted nylon tape, and not the nylon tape, is vapor impervious.

The Abstract of Korea '987 is at best sketchy. There is disclosure of a "heat contracting tape". The Examiner assumes from the Abstract that the tape is vapor impervious. However, in the first paragraph of the Abstract, the tape is characterized as containing a "porous Teflon film and bleeder".

In short, the Perkins reference does not teach a vapor impervious film as claimed. The newly cited prior art, which is not even related to power transmission belt formation and should not be applied in interpreting Perkins, does not teach what the Examiner says it does.

In conclusion, Perkins does not disclose a vapor impervious film as claimed, either expressly or inherently.

In the last full paragraph on page 9 of the Examiner's Answer, the Examiner acknowledges that cotton wrap would not be vapor impervious and that the use of the airtight heat resistant bag or envelope proposed by Perkins would logically be used only with cotton as opposed to a nylon pressure wrap. This is reading well beyond the teachings of Perkins to come to such a conclusion. Just as logically, if not more logically, one would assume that if the described nylon pressure wrap would be vapor impervious and function as well as a cotton wrap, one would eliminate the need to use the heat resistant bag or envelope by using the nylon wrap. The use of a cotton wrap would have no apparent advantages and would introduce the requirement to perform an additional step and use an additional element, that being the heat resistant bag or envelope.

Issue No. 2

The Examiner states in the paragraph bridging pages 10 and 11 that "it would have been obvious to someone of ordinary skill in the art at the time of the invention to extend the vapor impervious film wrapping of Perkins to extend over the edges of belt

sleeve in order to ensure edges of the belt are not damaged during vulcanization by the vapor in the pretreatment chamber." However, if Perkins was using the pressure wrap to provide a vapor impervious film, Perkins may have logically extended the film over the edges so as not to leave the edges exposed.

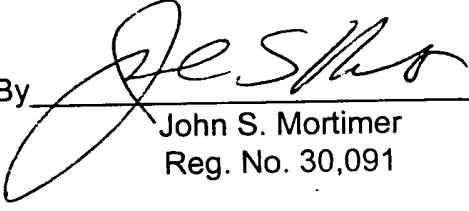
Conclusion

It is respectfully requested that the Examiner's final rejection of claims 1-10, 13-17, and 21-26 be reversed.

Respectfully submitted,

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